

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

RUBIN R. WEEKS,

Petitioner,

v.

IAN WALLACE,

Respondent.

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No. 4:94-CV-1704 CAS

ORDER


This matter is before the Court on petitioner Rubin R. Weeks's pro se Motion for Leave to Proceed In Forma Pauperis on Appeal. Based on the information contained in petitioner's financial affidavit, and the fact petitioner has remained incarcerated throughout this proceeding, the Court finds the motion should be granted.

Also pending before the Court is petitioner's pro se application for a certificate of appealability. The Court denied petitioner a certificate of appealability in its Memorandum and Order dated March 5, 2013. Petitioner has presented nothing in his motion or exhibits that causes the Court to reconsider its denial. Petitioner has not made (i) a substantial showing of the denial of a constitutional right, such that reasonable jurists would find the Court's assessment of the constitutional claims debatable, or that the issues presented were adequate to deserve encouragement to proceed further, Miller-El v. Cockrell, 537 U.S. 322, 336 (2003), or (ii) a showing that reasonable jurists would find it debatable whether the Court's procedural rulings are correct. See Slack v. McDaniel, 529 U.S. 473, 484-85 (2000). Movant may seek a certificate of appealability from the Eighth Circuit Court of Appeals.

Accordingly,

IT IS HEREBY ORDERED that petitioner's Motion for Leave to Proceed In Forma Pauperis on Appeal is **GRANTED**. [Doc. 64]

IT IS FURTHER ORDERED that petitioner's Application for Certificate of Appealability is **DENIED**. [Doc. 63]



CHARLES A. SHAW
UNITED STATES DISTRICT JUDGE

Dated this 26th day of March, 2013.